

COVERED ENTITIES:

Are You in Compliance with the Language Access Law?

The State of Hawaii protects the rights of people who seek to access state-funded services but who have limited English proficiency (LEP) to speak, read, write or understand English. The Language Access Law requires state agencies and covered entities to take reasonable steps to ensure LEP persons have meaningful access to services, programs and activities. You comply with your obligations under the law if you provide the same level of service to LEP persons as you provide to English speakers.

☒ Establish a Language Access Plan with all elements

In order to be prepared to provide meaningful access, the law requires covered entities to establish a language access plan, which includes the following elements: (1) Guidelines for determining meaningful access; (2) Procedures and a plan for oral language services; (3) Procedures and a plan for written translation of vital documents; (4) Procedures and a plan for notice for oral interpretation of documents; (5) A data collection and reporting system; (6) An evaluation process; and (7) Training for staff.

Recommendations:

- Designate a coordinator for your Language Access Plan
- Seek technical assistance from the OLA
- File a copy of your plan with the OLA on a voluntary basis

☒ Implement your Language Access Plan

In order to actually provide meaningful access to services, programs and activities by LEP persons, you must implement your language access plan.

☒ Provide Oral Interpretation language services Free of Cost in a Competent and Timely Manner

Covered entities must provide interpretation services, if reasonable, such as a qualified interpreter to assist the LEP person in person or a professional telephone interpreter service.

☒ Provide Written Translation of Vital Documents Free of Cost

You must provide various translated material, such as applications, notices, complaint forms, and outreach materials available in the non-English language of the population you largely serve, if reasonable. Compliance requires a proactive approach; waiting for LEP persons to request translation of a document does not comply with the law.

☒ Provide Written Notice in the LEP person's primary language of the right to receive oral interpretation of vital documents free of cost

You must provide notice of the right to receive free oral interpretation of written materials that are not translated into the LEP person's primary language.